IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Bail Appl..No. 1428 of 2007()

CRIME NO.219/06 OF MUHAMMA POLICE STATION

: PETITIONER/ACCUSED NO.5

SATHAR,
AGED 22 YEARS, S/O.ABDUL RAHMAN,
AMBANAKULANGARA, PUTHUVELPURAYIDAM,
MANNANCHERRY, ALAPPUZHA.

BY ADV. SRI.E.RAFEEK
SRI.M.P.MADHAVANKUTTY

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1428 OF 2007

Dated this the 9th day of March, 2007

O R D E R

Petitioner, who is the 5th accused in Crime No.219/2006 of Muhamma Police Station for offences punishable under sections 143, 147, 148, 294(b), 506(ii), 323 and 326 read with section 149 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 8.45 a.m. on 1.12.2006 out of political enmity the de facto complainant was attacked by a group of persons consisting of 10 persons including the petitioner with sword stick, iron rod, etc. He had sustained five injuries including fracture to the shaft of left ulna. Eventhough the petitioner was not armed with deadly weapons, the case of the prosecution is that he also participated the assault by fisting the de facto complainant sharing the same common object.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation and then to have his application for regular bail considered by the Magistrate concerned on merits. Accordingly, the petitioner is directed to surrender

before the Investigating Officer on any day between 20.3.2007 and 22.3.2007 for the purpose of interrogation. The petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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